

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

USDC Docket Number : 05-cv-10005

Jack C. Chilingirian

v.

David L. Winn, et al

CLERK'S CERTIFICATE

I, Sarah A. Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents numbered:

1-33

and contained in Volume(s) I are the original or electronically filed pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 4/18/2006.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 4, 2006.

Sarah A Thornton, Clerk of Court

By:

Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/4/06.

D Barchard
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: _____

APPEAL, HABEAS

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:05-cv-10005-RCL**

Chilingirian v. Winn
Assigned to: Judge Reginald C. Lindsay
Cause: 28:2241 Petition for Writ of Habeas Corpus
(federal)

Date Filed: 01/03/2005
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Petitioner**Jack C. Chilingirian**

represented by **Jack C. Chilingirian**
22512-039
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432
PRO SE

V.

Respondent

Warden David L. Winn
*Warden Federal Medical Center,
Devens*

represented by **Jennifer C. Boal**
United States Attorney's Office
John Joseph Moakley Federal
Courthouse
1 Courthouse Way
Suite 9200
Boston, MA 02210
617-748-3100
Email: jennifer.boal@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/03/2005	<u>1</u>	PETITION for Writ of Habeas Corpus 2241 \$ 5, receipt number 61143, filed by Jack C. Chilingirian. (Attachments: # <u>1</u> Civil Cover Sheet)(Stanhope, Don) (Entered: 01/05/2005)
01/03/2005		If the trial Judge issues an Order of Reference of any matter in

		this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Stanhope, Don) (Entered: 01/05/2005)
01/05/2005	22	Judge Reginald C. Lindsay : ORDER entered. SERVICE ORDER re 2241 Petition. Order entered pursuant to R.4 of the Rules governing Section 2241 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Stanhope, Don) (Entered: 01/05/2005)
01/06/2005		Remark- Certified copy of 2241 petition was sent via certified mail to United States Attorney's Office and the office of Immigration and Naturalization. (Stanhope, Don) (Entered: 01/07/2005)
01/12/2005	23	MOTION To Allow Petitioner to Effect Service of Process by Jack C. Chilingirian.(Stanhope, Don) (Entered: 01/14/2005)
01/12/2005	24	MEMORANDUM of Law in Support of 3 MOTION To Allow Petitioner to Effect Service of Process filed by Jack C. Chilingirian. (Stanhope, Don) (Entered: 01/14/2005)
01/13/2005		Return receipt received for Certified mail sent to Frank Crowley Delivered on 1/12/5. (Stanhope, Don) (Entered: 01/14/2005)
01/28/2005	25	Letter from Jack C. Chilingirian Regarding Whether a Show of Cause has Been Issued. (Stanhope, Don) (Entered: 01/31/2005)
01/28/2005	26	Letter from Jack C. Chilingirian regarding Service Order entered on 1/5/05. (Stanhope, Don) (Entered: 01/31/2005)
01/31/2005		Remark- A copy of the Docket Sheet was sent to Jack C. Chilingirian on 1/31/04, along with a certified copy of the 1/5/05 Service Order. (Stanhope, Don) (Entered: 01/31/2005)
02/03/2005	27	Letter from Jack C. Chilingirian Regarding Service of Petition. (Stanhope, Don) (Entered: 02/07/2005)
02/09/2005	28	Letter from Jack C. Chilingirian, regarding Service on U.S. Attorney's Office. (Attachments: # 1 Exhibit 1)(Stanhope, Don) (Entered: 02/14/2005)
02/15/2005		Remark- A Copy of the Docket Sheet was sent to Jack C. Chilingirian on 2/15/05. (Stanhope, Don) (Entered: 02/15/2005)

02/16/2005	<u>9</u>	Letter from Jack C. Chilingirian, regarding service of 2241 Petition. (Stanhope, Don) (Entered: 02/23/2005)
02/16/2005	<u>10</u>	MOTION to Direct Clerk of the Court to Comply with Order Directing Service of Process. filed by Jack C. Chilingirian. (Stanhope, Don) (Entered: 02/23/2005)
02/16/2005	<u>11</u>	Brief in Support of <u>10</u> MOTION to Direct Clerk of the Court to Comply with Order Directing Service of Process. filed by Jack C. Chilingirian. (Stanhope, Don) (Entered: 02/23/2005)
02/24/2005		Judge Reginald C. Lindsay : Electronic ORDER entered finding as moot <u>3</u> Motion to Allow Petitioner to Effect Service of Process Pursuant to FRCP 4 because service has been made and nothing further is required. (Hourihan, Lisa) (Entered: 02/24/2005)
03/04/2005	<u>12</u>	Letter from Jack C. Chilingirian, regarding Order received finding Moot his Motion to Allow Petitioner to Effect Service of Process. (Stanhope, Don) (Entered: 03/07/2005)
03/09/2005	<u>13</u>	MOTION to Dismiss by David L. Winn.(Boal, Jennifer) (Entered: 03/09/2005)
03/09/2005	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Dismiss filed by David L. Winn. (Attachments: # <u>1</u> # <u>2</u>)(Boal, Jennifer) (Entered: 03/09/2005)
03/11/2005	<u>15</u>	Letter from Jack C. Chilingirian, regarding service. (Stanhope, Don) (Entered: 03/17/2005)
03/11/2005	<u>16</u>	MOTION for Extension of Time to File Answer to <u>13</u> Respondent's MOTION to Dismiss filed by Jack C. Chilingirian.(Stanhope, Don) (Entered: 03/17/2005)
03/22/2005		Judge Reginald C. Lindsay : Electronic ORDER entered finding as moot <u>10</u> Motion to Direct Clerk of the Court to Comply with Order Directing Service of Process. Responsive pleading has been filed by the defendant. (Hourihan, Lisa) (Entered: 03/22/2005)
03/28/2005		Judge Reginald C. Lindsay : Electronic ORDER entered granting <u>16</u> Motion for Extension of Time to File Response/Reply re <u>13</u> MOTION to Dismiss Responses due by 4/4/2005 (Hourihan, Lisa) (Entered: 03/28/2005)
04/06/2005	<u>17</u>	NOTICE of Change of Address filed by Jack C. Chilingirian (Stanhope, Don) (Entered: 04/07/2005)

04/06/2005	<u>18</u>	Letter from Jack C. Chilingirian seeking extension of time. (Stanhope, Don) (Entered: 04/07/2005)
04/11/2005	•	Judge Reginald C. Lindsay : Electronic ORDER entered. Granting <u>18</u> Letter Requesting Extension of Time to Reply to Motion to Dismiss. Response due April 18, 2005.(Stanhope, Don) (Entered: 04/12/2005)
04/20/2005	<u>19</u>	Petitioners Answer to <u>13</u> Respondent's MOTION to Dismiss filed by Jack C. Chilingirian. (Stanhope, Don) (Entered: 04/21/2005)
04/20/2005	<u>20</u>	Petitioner's MEMORANDUM in Opposition to <u>13</u> Respondent's MOTION to Dismiss filed by Jack C. Chilingirian. (Stanhope, Don) (Entered: 04/21/2005)
04/20/2005	<u>21</u>	DECLARATION of Jack C. Chilingirian. (Stanhope, Don) (Entered: 04/21/2005)
08/16/2005	<u>22</u>	Letter/request (non-motion) from Jack C. Chilingirian. (York, Steve) (Entered: 08/16/2005)
10/06/2005	•	Judge Reginald C. Lindsay : ElectronicORDER entered finding as moot <u>13</u> Motion to Dismiss. The petitioner has indicated, in response to this motion, and that he has been released on bail from the custody of the Bureau of Prisons pending resentencing under Booker. Because the resentencing may result in entirely new provisions as to imprisonment and supervised release, there is no live issue now before the court regarding the calculation of good time credits. The clerk shall enter an order dismissing this petition as moot. (Lindsay, Reginald) (Entered: 10/06/2005)
10/17/2005	<u>23</u>	Judge Reginald C. Lindsay : ORDER entered. ORDER DISMISSING CASE(Hourihan, Lisa) (Entered: 10/17/2005)
10/18/2005	<u>24</u>	NOTICE of Change of Address by Jack C. Chilingirian (York, Steve) (Entered: 10/18/2005)
10/19/2005	<u>25</u>	MOTION to Set Aside Order of Dismissal And Reinstate Cause Of Action For Habeas Relief. by Jack C. Chilingirian. (York, Steve) (Entered: 10/19/2005)
10/24/2005	<u>26</u>	MOTION for Extension of Time to 11/8/05 to File Response/Reply by David L. Winn.(Boal, Jennifer) (Entered: 10/24/2005)
10/25/2005	•	Judge Reginald C. Lindsay : ElectronicORDER entered

		granting <u>26</u> Motion for Extension of Time to File Response/Reply re <u>25</u> MOTION to Set Aside Responses due by 11/8/2005 (Hourihan, Lisa) (Entered: 10/25/2005)
11/08/2005	<u>27</u>	Opposition re <u>25</u> MOTION to Set Aside filed by David L. Winn. (Boal, Jennifer) (Entered: 11/08/2005)
11/21/2005	<u>28</u>	Petitioner's reply to Respondent David L. Winn's Menorandum of Law re <u>27</u> Opposition to Motion to Set Aside Order of Dismissal. (York, Steve) (Entered: 11/21/2005)
03/16/2006	<u>29</u>	Letter from Jack C. Chilingirian. (York, Steve) (Entered: 03/20/2006)
03/22/2006		Judge Reginald C. Lindsay : ORDER entered denying <u>25</u> MOTION to Set Aside Order of Dismissal And Reinstate Cause Of Action For Habeas Relief by Jack C. Chilingirian. It is futile for the court to reopen this case, because the relief sought by the petitioner on the merits is foreclosed by the decision of the United States Court of Appeals, First Circuit in Perez-Olivo v. Chavez, 394 F.3d 45, 53 (1st Cir. 2005). (Lindsay, Reginald) (Entered: 03/22/2006)
03/30/2006	<u>30</u>	Letter from Jack C. Chilingirian. (York, Steve) (Entered: 03/30/2006)
04/18/2006	<u>31</u>	Letter from Jack C. Chilingirian. (York, Steve) (Entered: 04/18/2006)
04/18/2006	<u>32</u>	NOTICE OF APPEAL by Jack C. Chilingirian. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/8/2006. (fee not paid)(York, Steve) (Entered: 04/21/2006)
04/25/2006	<u>33</u>	Letter from Jack Chilingirian. (York, Steve) (Entered: 04/25/2006)